09-26-05

OLPE			Express Mail Mailing Label No.: EV 668187968 US					
708			Application Serial Number			09/754,831		
(SEP 2 2 2005 📆)			Filing Date		J	January 3, 2001		
			First Named	d Inventor Oppe		ermann		
TRAMMITTAL FORM			Group Art Unit 1		1	1646		
			Examiner Name		ŀ	Kemmerer, Elizabeth		
			Attorney Docket No		5	STK-008CN		
			Patent No.	·	1	Not applicable		
			Issue Date		1	Not applicable		
		ENG	CLOSURES (c	heck all that apply)				
⊠ Fe	e Transmittal Form		Copy of Notic Parts of Applie	e to File Missing cation	\boxtimes	Notice of Appeal to Board of Patent Appeals and Interferences		
	☑ Check Attached☐ Copy of FeeTransmittal Form		Formal Drawin	ng(s)		Appeal Brief (in triplicate)		
\boxtimes	Amendment/Response		Request For C Examination (Status Inquiry		
	☐ After Final ☐ Affidavits/declaration(s)		Power of Attor	rney	\boxtimes	Return Receipt Postcard		
	☐ Pursuant to 37 C.F.R. 41.33(b)(1)		(Revocation of	Revocation of Prior Powers)		Certificate of First Class Mailing under 37 C.F.R. 1.8		
			Terminal Disc	laimer		Certificate of Facsimile Transmission under 37 C.F.R. 1.8		
	Petition for Extension of Time		Executed Declaration and Power of Attorney for Utility or Design Patent Application			Additional Enclosure(s) (please identify below)		
	Information Disclosure Statement		Small Entity S	tatement				
	Form PTO-1449 Copies of IDS Citations		CD(s) for large	e table or computer				
	Certified Copy of Priority Document(s)		Amendment A	fter Allowance				
	Sequence Listing submission Paper Copy/CD		Request for Co Correction Certificate	of Correction (in				
☐ Computer Readable Copy ☐ Statement verifying identity of above		duplicate)						
CORRESPONDENCE ADDRESS				SIGNATURE BLO	оск			
Direct all correspondence to: Patent Administrator Kirkpatrick & Lockhart Nicholson Graham LLP 75 State Street Boston, MA 02109-1808 Tel. No.: (617) 261-3100 Fax No.: (617) 261-3175			art Nicholson 1808 3100	Date: September 23, 2005 Reg. No. 51,551 Tel. No.: (617) 261-3198 Fax No.: (617) 261-3175 Ki		Fangli Chen, Ph.D. Agent for Applicant(s)		

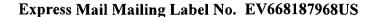
SEP 12 1005 W

FY 2005

Express Mail Mailing Label No.: EV668187968US

	Complete if Known		
Application Serial Number	09/754,831		
Filing Date	January 3, 2001		
First Named Inventor	Oppermann		
Group Art Unit	1646		
Examiner Name	Kemmerer, Elizabeth		
Attorney Docket No.	STK-008CN		

METHOD OF PAYMENT	FEE CALCULATION (continued)					
1. A Payment Enclosed:	3. ADDITIONAL FEES					
Check Money Order Other	Large	Small				
Z check Z money order Z outer	Entity	Entity				
2 M. The Commissioner is housely outhorized to gradit	Fee	Fee	Fee Description	Fee Paid		
2. A The Commissioner is hereby authorized to credit			ree Description	rectaid		
or charge any fee indicated below for this submission	(\$)	(\$)				
to Deposit Account No. 50-1721.						
Required Fees (copy of this sheet enclosed).	130	65	Surcharge - late filing fee or oath			
Additional fee required under 37 CFR 1.16 and	50	25	Surcharge - late provisional filing fee	~		
	30	23	or cover sheet			
1.17.						
Overpayment Credit.	130	130	Non-English specification			
3. Applicant claims small entity status.	2,520	2,520	Request for ex parte reexamination	, and the second		
FEE CALCULATION	120	60	Extension for reply within first month			
1. FILING/SEARCH/EXAM/SIZE FEES	450	225	Extension for reply within second			
			month			
Large Entity	1020	510	Extension for reply within third month	1020.00		
Fee (\$) Fee Description Fee Paid	1590	795	Extension for reply within fourth			
			month			
	2160	1080	Extension for reply within fifth month			
200 Utility filing for	500	250	Notice of Appeal	500.00		
300 Utility filing fee	-			300.00		
500 Utility search fee	500	250	Filing a brief in support of an appeal			
200 Utility exam fee	1000	500	Request for oral hearing			
250 Utility size fee (each add'l 50 pgs. over 100)	400	400	Petitions to the Commissioner (Gp. I)			
200 Design filing fee	200	200	Petitions to the Commissioner (Gp. II)			
100 Design search fee	130	130	Petitions to the Commissioner (Gp. III)			
	180	180	Submission of Information Disclosure			
	100	180	•			
250 Design size fee (each add'l 50 pgs. over 100)			Statement			
	790	395	Filing a submission after final			
			rejection (37 CFR 1.129(a))	_		
Number Number Rate Amount	790	395	For each additional invention to be			
Filed Extra			examined (37 CFR 1.129(b))			
Total Claims $-20 = x $50.00 =$	100	100	Certificate of Correction for			
20 A \$ 50,00	100	100	applicant's error			
Independent	130	65	Submission of Terminal Disclaimer			
	1		Submission of Terminal Discialnet			
Claims $-3 = x $200.00 =$		(Specify)				
	Other fee	(Specify)				
☐ Multiple Dependent Claim(s), if any \$360.00 =						
TOTAL:						
SMALL ENTITY DISCOUNT:						
$SUBTOTAL(1) \qquad (\$) \qquad 0$						
2. AMENDMENT CLAIM FEES	-					
Claims Highest No. Present Rate Fee Paid			SUBTOTAL (3) (\$)	1,520.00		
, and the second			SUBIUIAL (3) (3)	1,320.00		
Remaining Previously Extra						
After Amend. Paid For						
Total - = $x \$ 50.00 =$	1		SUBTOTAL (1)			
Indep = $x $200.00 =$		SUBTOTAL (2) 0				
First Presentation of Multiple Dep. +\$ 360.00 =	SUBTOTAL (3) 1,520.00					
Claim	1		23212112(0)	,		
TOTAL: (\$)	1			L		
SMALL ENTITY DISCOUNT: (\$)	1					
	1					
SUBTOTAL (2) (\$)0]		TOTAL (\$)	1,520.00		
	 	OVERLANDED DA OCTA				
CORRESPONDENCE ADDRESS	SIGNATURE BLOCK					
Direct all correspondence to:			Respectfully submitted,			
Patent Administrator	Date: Senten	nber 23, 200		-		
Kirkpatrick & Lockhart Nicholson	Date: September 23, 2005 Reg. No.: 51 551					
-	Reg. No.: 51,551 Fangli Chen, Ph. D.					
Graham LLP	Tel. No.: (617) 261-3198 Agent for the Applicants					
75 State Street	Fax No.: (617) 261-3175 Kirkpatrick & Lockhart Nicholson					
Boston, MA 02109-1808			Graham LLP			
Tel. No.: (617) 261-3100			75 State Street			
Fax No.: (617) 261-3175			Boston, MA 02109-1808			
1 ax 140 (017) 201-3173			DUSTON, IVIA 02109-1000			





PATENT

Attorney Docket No. STK-008CN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:

Oppermann *et al*.

SERIAL NO.:

09/754,831

GROUP NO.:

1646

FILING DATE:

January 3, 2001

EXAMINER:

E. C. Kemmerer

TITLE:

NUCLEIC ACID MOLECULES ENCODING OSTEOGENIC

PROTEINS (As Amended)

Mail Stop AF Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450 RESPONSE UNDER 37 C.F.R. § 1.116 EXPEDITED PROCEDURE EXAMINING GROUP NO. 1644

AMENDMENT AND RESPONSE

Dear Sir:

This paper is filed together with a Notice of Appeal in response to the Office Action, made final, mailed from the U.S. Patent and Trademark Office (USPTO) on March 24, 2005, and to the Advisory Action faxed from the USPTO on September 12, 2005, for the above-identified patent application. Applicants enclose a petition and fee for a three-month extension of time to Monday September 26, 2005, for responding to the Office Action. If any further petition or fee is required, please consider this a conditional petition therefor and a conditional authorization to charge Deposit Account No. 50-1721.

Amendments to the Claims begin on page 2 of this paper.

Remarks begin on page 4 of this paper.